

AMENDED IN ASSEMBLY JANUARY 4, 2010

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 67

Introduced by Assembly Member Members Nava and Arambula
(Principal coauthor: Assembly Member Galgiani)

(Coauthors: Assembly Members Beall, Block, Buchanan, Caballero, Carter, Conway, Coto, Davis, De Leon, DeVore, Fong, Gilmore, Hagman, Huber, Bonnie Lowenthal, Ma, Mendoza, Monning, John A. Perez, Ruskin, Salas, Saldana, Audra Strickland, Swanson, Torrico, Tran, and Villines)

(Coauthors: Senators Alquist, Ashburn, Benoit, Cogdill, Correa, Cox, DeSaulnier, Ducheny, Florez, Lowenthal, Maldonado, Negrete McLeod, Price, Romero, Runner, Strickland, and Walters)

December 10, 2008

~~An act to add Chapter 8 (commencing with Section 20700) to Division 20 of the Elections Code, relating to elections.~~
An act to add Article 9 (commencing with Section 89280) to Chapter 2 of Part 55 of Division 8 of Title 3 of the Education Code, relating to nursing degrees.

LEGISLATIVE COUNSEL'S DIGEST

AB 67, as amended, Nava. ~~Elections: campaign advertisements and communications.~~—*California State University: Doctor of Nursing Practice degree.*

Existing law establishes the California State University and its various campuses under the administration of the Trustees of the California State University. Existing law requires the California State University to offer undergraduate and graduate instruction through the master's

degree in the liberal arts and sciences and professional education, including teacher education.

This bill would authorize the California State University to award the Doctor of Nursing Practice degree. The bill would distinguish the Doctor of Nursing Practice degree from the doctor of philosophy degree offered at the University of California. The bill would require the Doctor of Nursing Practice degree program to be designed to enable professionals to earn the degree while working full time, train nurses for advanced practice, and prepare clinical faculty to teach in postsecondary nursing programs.

The bill would require initial funding to come from existing budgets, without diminishing the quality of undergraduate programs or reducing enrollment therein.

The bill would require the California State University to annually report on the status of the Doctor of Nursing Practice degree program, as specified.

~~Existing law generally makes actionable the use of libelous or slanderous materials in campaign advertising and communications.~~

~~This bill would prohibit a person, as defined, from knowingly using the name, voice, signature, photograph, or likeness of a minor in an advertisement or communication for or against a candidate or a ballot measure without the written consent of the parent or legal guardian of the minor, if the minor is under 12 years of age, or the written consent of the minor, if the minor is 12 years of age or older. The bill would provide that violation of this provision is subject to a civil penalty for each instance in which the violating advertisement or communication is aired or published, if a court finds that the privacy interests of the minor outweigh the speech interests of the person.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Article 9 (commencing with Section 89280) is*
2 *added to Chapter 2 of Part 55 of Division 8 of Title 3 of the*
3 *Education Code, to read:*

4
5 *Article 9. Doctor of Nursing Practice Degree*

6
7 89280. *The Legislature finds and declares all of the following:*

1 (a) *The State of California faces an increasing nursing shortage*
2 *that jeopardizes the health and well-being of the state's citizens.*

3 (b) *Colleges and universities need to expand nursing education*
4 *programs to prepare more nurses to meet the state's growing*
5 *demand for nurses. An estimated state shortage of 47,600*
6 *registered nurses is expected by 2010, and by 2020 the shortage*
7 *is projected to reach 116,600 according to the Governor's*
8 *California Nurse Education Initiative Annual Report, September*
9 *2006.*

10 (c) *Well-trained nursing faculty and practitioners are critical*
11 *to the ability to expand nursing programs.*

12 (d) *Because of the urgent need to prepare and graduate*
13 *increased numbers of nurses, it is the intent of the Legislature to*
14 *grant the California State University authority to offer the Doctor*
15 *of Nursing Practice degree, as an exception to the Master Plan*
16 *for Higher Education.*

17 89281. (a) *Notwithstanding Section 66010.4, in order to meet*
18 *specific nursing education needs in California, the California State*
19 *University may award the Doctor of Nursing Practice degree, as*
20 *described in this section.*

21 (b) *The authority to award the Doctor of Nursing Practice*
22 *degree is limited to the discipline of nursing practice. The Doctor*
23 *of Nursing Practice degree offered by the California State*
24 *University shall be distinguished from the doctor of philosophy*
25 *degree offered at, or in conjunction with, the University of*
26 *California.*

27 (c) *The Doctor of Nursing Practice degree program offered by*
28 *the California State University shall focus on the preparation of*
29 *clinical faculty to teach in postsecondary nursing education*
30 *programs and may also train nurses for advanced nursing practice*
31 *or nurse leadership, or both. The degree program shall not replace*
32 *or supplant master's degree nursing programs offered, as of*
33 *January 1, 2010, by the California State University. The degree*
34 *program shall be designed to enable professionals to earn the*
35 *degree while working full time.*

36 (d) *A Doctor of Nursing degree program established by the*
37 *California State University is not exempt from any review and*
38 *approval processes, including those performed by the California*
39 *Postsecondary Education Commission.*

(e) In implementing subdivision (a), the California State University shall comply with the following requirements:

(1) Funding on a per full-time equivalent student (FTES) basis for each new student in the degree program shall be within the California State University's enrollment growth levels as agreed to in the annual Budget Act. Enrollments in the degree program shall not alter the California State University's ratio of graduate instruction to total enrollment, and shall not diminish enrollment growth in university undergraduate programs. Funding provided from the state for each FTES shall be at the agreed-upon marginal costs calculation that the California State University receives for graduate enrollment.

(2) The California State University shall provide any initial funding needed for the degree program authorized by this article from within existing budgets for academic programs support, without diminishing the quality of program support offered to California State University undergraduate programs. Funding for the degree program shall not reduce undergraduate enrollments at the California State University.

89282. If the California State University establishes a Doctor of Nursing Practice degree program pursuant to Section 89281, the university shall report on the status of the degree program to the California Postsecondary Education Commission, the Legislative Analyst's Office, and the appropriate budget subcommittees in each house of the Legislature. The report shall be submitted annually, prior to a legislative budget subcommittee hearing related to the degree program.

SECTION 1. Chapter 8 (commencing with Section 20700) is added to Division 20 of the Elections Code, to read:

~~CHAPTER 8. USE OF THE IMAGE OF A MINOR~~

~~20700. (a) A person shall not knowingly use the name, voice, signature, photograph, or likeness of a minor in an advertisement or communication for or against a candidate or a ballot measure without prior written consent from either of the following:~~

~~(1) The parent or legal guardian of the minor, if the minor is under 12 years of age.~~

~~(2) The minor, if he or she is 12 years of age or older.~~

1 ~~(b) A violation of subdivision (a) is subject to a civil penalty of~~
2 ~~ten thousand dollars (\$10,000) for each instance in which the~~
3 ~~advertisement or communication is published or aired if a court~~
4 ~~of competent jurisdiction finds that the privacy interests of the~~
5 ~~minor whose identifying information was used in the advertisement~~
6 ~~or communication outweigh the speech interests of the person who~~
7 ~~used the identifying information of the minor in the advertisement~~
8 ~~or communication.~~

9 ~~(c) For purposes of this chapter, the following terms have the~~
10 ~~following meanings:~~

11 ~~(1) “Minor” has the same meaning as used in Section 6500 of~~
12 ~~the Family Code.~~

13 ~~(2) “Person” has the same meaning as used in Section 20200.~~